

School Complaints Procedure

St. Mary's Church of England Primary School, High Crompton



Complaints Policy

Updated: Jan 2016

Approved by Governors on: 16.3.16

Review on: March 2018

School Complaints Procedure

Overview

Section 29 of the Education Act 2002 requires that:

- (1) The Governing Body of a school shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints failing to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the Governing Body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school”

Part 1: General Principles of complaints

Dealing with Complaints – Initial concerns

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary and communicating with 3rd parties timely and appropriately.

Dealing with Complaints – Formal procedures

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

The nominated member of staff to manage complaints at St. Mary’s CE Primary School is the Headteacher.

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Framework of Principles

An effective complaints procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint (the Class Teacher, Headteacher, Chair of Governors makes sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview or arrange for an independent note taker to record the minutes of the meeting.

Resolving Complaints

At each stage in the procedure we are looking for ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

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Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. *An admission that the school could have handled the situation better is not the same as an admission of negligence.*

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Serial or Persistent Complaints

St. Mary's CE Primary School defines unreasonable complainants as ***'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'***.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we will specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school.

Time-Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

NOTE: for a complaint to be considered valid by St Mary's C of E Primary School, it must be registered within 3 months of the initial incident occurring and follow the framework contained within this policy, unless there are clear exceptional circumstances. This will be at the discretion of the Chair of Governors.

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Part 2: The Formal Complaints Procedure

The Stages of Complaints

At St Mary's CE Primary School the complaints procedures has 4 well-defined stages. (A flow chart can be found in Appendix 4). There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the complainant.

Four school-based stages are likely to be sufficient for most schools:

- Stage one: complaint heard by staff member
- Stage two: complaint heard by the Headteacher;
- Stage three: complaint heard by the Chair of Governors
- Stage four: complaint heard by the Governing Body's complaints appeal panel.

If a complaint concerns the conduct of the Headteacher or a Governor or where a Headteacher or Governor has been involved in the issue previously, it will be dealt with by the Chair of Governors (stage 3) and then the Governing Body Appeal Panel (stage 4)

Part 3: Managing and Recording Complaints

Recording Complaints

The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or by letter. At the end of a meeting or telephone call, the member of staff should ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls should be kept and a copy of any written response added to the record.

The Headteacher is responsible for ensuring all records are kept and held centrally.

Governing Body Review

The Governing Body should monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure. Complaints shared with the whole Governing Body should not name individuals but may inform school improvement by addressing any underlying issues.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. St. Mary's CE Primary School publicises its procedure through:

- the school prospectus;
- the home-school agreement;
- the school website.

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St. Mary's C of E Primary School

COMPLAINTS PROCEDURE

The procedures to be followed in the event of a complaint being made is summarised into the following stages:

Stage 1: Complaint heard by Staff Member

- Parents discuss concerns with the class teacher.
- If the teacher is unable to deal immediately with the matter, a clear note is made, including complainant's name, phone number and date, and the parent is contacted as soon as the matter has been investigated. The teacher may also consult the Headteacher at this stage.
- The teacher ensures that the parent is clear what action or monitoring of the situation has been agreed.
- If no satisfactory solution has been found, parents are asked if they wish their concern to be considered further.
- Where the first approach is made to a Governor, the Governor should refer the individual to the correct member of staff (stage 1) and advise of the correct procedure to follow. Governors should not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage 2: Complaint heard by the Headteacher

- The Headteacher acknowledges the complaint, within 3 working days.
- A meeting is arranged with the complainant to clarify and supplement any information given.
- The Headteacher investigates further, interviewing witnesses as appropriate. If the complaint centers on a pupil, the pupil would normally be interviewed with an adult present who is not directly involved.
- The Headteacher keeps written records of meetings, telephone conversations and other documentation.
- Once all relevant facts have been established, the Headteacher responds with a written response within 10 working days.
- If the complainant is not satisfied, they are advised to write to the Chair of Governors.

If the complaint is against the Headteacher, the Chair of the Governing Body carries out the Stage 2 procedures.

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Stage 3: Complaint heard by the Chair of Governors

- The complainant needs to write to the Chair of Governors giving details of the complaint.
- The Chair will acknowledge receipt of the complaint within 3 working days in writing.
- The Chair will seek to resolve the issue as expeditiously as possible.
- The Chair may delegate the task of collating the information to a member of the Senior Management Team, but not the decision or the action to be taken.
- If a meeting is required between the complainant and the Chair of Governors then the Chair will select another individual from the Governing Body to act as an independent note taker (this should not be the Vice Chair of Governors)
- The Chair will write to the complainant with the outcome of the investigation within 10 working days.
- Headteacher is informed of the outcome.

Stage 4 Complaint heard by the Governing Body Appeal Panel

- The complainant needs to write to the Chair of Governors giving details of the complaint.
- The Chair will acknowledge receipt of the written complaint, informing the complainant that the complaint is to be heard by a committee of three members of the School's Governing Body.
- The Chair of the Committee will then write and inform all concerned of the date, time and place of the meeting at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend and the right to submit further written evidence in advance of the meeting.
- The Chair, will convene a complaints panel elected from members of the Governing Body. The members should have no prior involvement with the complaint and they should elect a Chair for the committee.
- All relevant documentation regarding the complaint should be given to the members of the committee as soon as possible but no later than 3 working days before the meeting.
- It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted or notes taken.
- After the meeting, the Committee will consider the evidence and a written decision will be sent to the Headteacher and the complainant within 20 working days.

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Appendix 1 The Complaints Appeal Panel

The Remit of The Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any Governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations, which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. The Governors sitting on the panel need to be aware of the complaints procedure.

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Roles and Responsibilities

The Role of the Clerk

It is strongly recommended that any panel or group of Governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Clerk could also be the Chair of Governors for the above points, apart from recording the proceedings, where an Independent Note taker may be used.

The Role of the Chair of the Governing Body and/or the Nominated Governor

The nominated Governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify or act as the clerk to arrange the panel;

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The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The chair of the panel will ensure that the complainant is notified of the panel's decision in writing; this is usually within a set deadline, which is publicised in the procedure. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the LA or Diocesan Board.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to contact The School Complaints Unit (SCU) at:

Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

0370 000 2288

www.education.gov.uk/help/contactus

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Appendix 2

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within a set time scale.
- Both parties leave together while the panel decides on the issues.



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Are you attaching any paperwork? If so, please give details including number of pages of attachments.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: